

## RIGGS BANK WINS BIG POINT IN SUIT

Court Continues Restraining Order Until Decision on Comptroller's Power.

### OUTS MALICE CHARGE

WASHINGTON, May 21.—The showing made by the Riggs National Bank in the injunction suit against Secretary McAdoo, Comptroller of the Currency John Burke, and Treasurer John Burke, was such that Justice Mc Coy took under advisement the question raised by the bank as to the legality of the penalties imposed by Comptroller Williams upon the bank for failure to make certain special reports called for by the Comptroller and as to the authority to order the retention of the \$5,000 interest due the bank upon its bonds deposited with the Comptroller.

Meanwhile he continued the temporary restraining order in full force and effect against the three officers named as to every prayer in the bank's petition relating to the penalties and the \$5,000 declared to be forfeited by Comptroller Williams. As to the other prayers in the petition for relief they were all denied and eliminated from the restraining order pending the final judgment in the case.

When the court dismissed the charge that Secretary McAdoo and Comptroller Williams had conspired in malice to wreck the bank, but reserved decision on the complaint that the Comptroller had exceeded his authority. If the bank's latter complaint is finally sustained the bank officers insist they will have won the main point in their suit against the Treasury officials.

### No Harried Decision.

The court intimated that he would not decide the case in the immediate future. Meanwhile, Comptroller Williams is enjoined from imposing penalties on the bank for failure to make the reports he is demanding until such time as his authority to make these demands has been legally established.

Also the Treasurer of the United States, John Burke, is restrained from making back into the Treasury as Government funds the \$5,000 interest withheld by Comptroller Williams which was due to the bank on its bonds as interest until such time as the court decides whether this money was legally withheld.

The court also has under advisement primarily the notion to dismiss the petition of the bank for the injunction restraining the Treasury officers from imposing penalties on the bank. If he grants this motion and dismisses the bill, an appeal by the bank to the Court of Appeals of the District of Columbia and if necessary to the Supreme Court of the United States will undoubtedly follow.

This was clearly intimated today in an argument by ex-Senator Taft, counsel for the bank. If the bank wins on the questions relating to the penalties, an appeal may not be taken by the bank, but will probably be taken by the Government. It is contended generally that the case will go to the Supreme Court, ultimately no matter what the outcome in the court below.

Both sides seemed to today with what they got out of the argument, by Justice Mc Coy as to what he would do pending final judgment in the case. The argument closed with the Treasury officials, who were using them to "weak venor" upon the bank, who were the object of their "malice."

### No Conspiracy Found.

Justice Mc Coy acquitted the Treasury officials of the allegations of "conspiracy" so far as the record of the case went. He said nothing before him sustained the charge of malice on the part of the Treasury officials except the affidavits of the Secretary of the bank and the interview in the office of Secretary McAdoo between Williams and the bank's officers, and the fact that the Treasury officials were not "malicious" or as the court characterized it "in bad blood" it was on the part of the bank's officers.

Justice Mc Coy in denying the prayer of the bank for a continuance of the restraining order against the Secretary of the Treasury, the Comptroller of the Currency and the Treasurer of the United States, said that the Treasury officials were not "malicious" or as the court characterized it "in bad blood" it was on the part of the bank's officers.

As to the disapproval by the Comptroller of the bank as a reserve agent, he said the management of the bank was such that the Treasury officials "would have been remiss in their duties" had they failed to act in the manner they did with the knowledge before them disclosed in bank examiners' reports that the bank was not being conducted in a way that met the approval of the Comptroller's office.

**Evidence of Violations.**  
"There is evidence here in this record of persistent violations of the law. They began before Mr. Williams became Comptroller and appear to have continued up to this time," said the Judge.

He declared that the Secretary was quite right in taking out of the bank deposits of public funds on account of the evidence of repeated violations of the banking laws.  
"The issuance of the policy of the removal of public deposits from the so-called 'stock exchange' banks, as Mr. McAdoo had characterized those banks which have a large amount of money deposited upon stocks and bonds, and which had their deposits in so-called 'commercial banks,' the court said it was a matter of public policy.  
"I regard the policy a good one," he said. "It is not good in my opinion to have large deposits of public funds in these stock exchange banks. Congress has indicated its approval of this policy by what it enacted in the Federal Reserve act."

The case opened with another show of blood this morning, when Samuel H. Hogan, attorney for the Treasury officials, submitted an affidavit by one W. Morris Lemont, former bookkeeper for the bankrupt firm of Lewis Johnson & Co., alleging that the stock exchange banks with that firm carried on by one of the officers of the Riggs bank, Henry H. Fisher, were carried on in the name of the Riggs bank. Mr. Fisher was not the active agency in them and that the checks in payment for the bank and the orders were executed in the name of the Riggs bank. Judge Mc Coy seemed much exercised and said the first affidavit "would have to be explained" by the bank officers.

After Attorney Hogan for the bank explained that Mr. Hogan of intention to differ facts or mislead, but expressed the opinion that the bank officers' affidavit had not dealt candidly with the situation.

## ROFRANO 'OUT' TO SOME WHO PHONED

Switchboard Operators Tell of Trial of Getting "Stop Orders."

### R. H. ELDER A WITNESS

Gaetano Montimagno, accused of murdering Michael Galmari, a political lieutenant of former Sheriff Thomas F. Foley, was almost lost sight of for more than two hours yesterday at his trial before Justice Davis in the Supreme Court.

This was due to the efforts of counsel for the prisoner to bring out explanations concerning why Michael Rofrano, a Deputy Street Cleaning Commissioner, had been mentioned by several of the witnesses. Rofrano is said to have been interested in the trials of Joseph and Antonio La Salle, who killed James Minotti, another Foley follower, on the night of January 1 last, and is alleged to have wanted Galmari put out of the way because of his growing power among Italians in the Second Assembly district.

Since the trial of Montimagno started last Monday testimony regarding Rofrano's interest in the defendant, and also in Rocco Carnivale, better known as Rox Cornell, and Frank Fenimore, has been given at different times. Both Rox and Fenimore have been indicted for the Galmari murder. Some of the witnesses for the prosecution knew Rofrano and others had only heard his name mentioned in the case.

Robert H. Elder, who appeared as counsel for the La Salle brothers, was called by Caesar Barra of counsel for the defense to offer a story told by Joseph La Salle that he had been coached to tell a "back of the line" at the trial of his brother Antonio before Judge Crain in General Sessions.

After the La Salle brothers were examined by Assistant District Attorney Brothers. The prosecutor caused him to admit that before the trial of Antonio La Salle he had said he would confer with Rofrano as to whether he should advise the La Salle brothers to become witnesses for the prosecution in another case. This was just before March 22 last. The prosecutor suggested that it could only have been the Galmari case. Mr. Elder also admitted that after having a talk with Mr. Rofrano he did see Rofrano at the latter's office in the Street Cleaning Department.

Several witnesses were called by the defense to show that Montimagno was not the man who killed Galmari. One witness said the prisoner resembled the murderer and admitted that the overcoat traced to the defendant looked like the one he wore.

Miss Mary Dunn and Frank A. Boland, telephone operators at the Street Cleaning Department office, were called to show that some persons who called for the Deputy Commissioner were not connected, the answer being, "He is out."

Miss Dunn said she got what in telephone calls is called a "stop order" from Rofrano for the names of James Moore and Campbell. Persons giving these names frequently called the Deputy Commissioner, she testified. Boland said he received many calls for Rofrano from a man named Fenimore. He added that Fenimore had not always talked to Rofrano, but there was no "stop order" in his case.

Mr. Elder was then called by Mr. Barra. When asked if he had advised Joseph La Salle to tell a "back of the line" at the trial of his brother, Mr. Elder said he had not.

"Did you ever say to Joe that he must say that politicians had something to do with the Minotti killing?" asked Mr. Barra.

"I did not," was the response. The witness then said he had never advised his client to tell anything but the truth about his case, and denied that he had given instructions to La Salle to keep the names of Rox Cornell and Fenimore out of it.

Mr. Elder said he had several talks with the La Salle brothers and that he had been told by them that they had never known Montimagno.

Joseph La Salle, secretary of the Home Rule Democratic Club, of which Rofrano is the leader, swore that neither the La Salle brothers nor James Serafino are members of the club. He had the book in court to prove it. He admitted to Mr. Barra that he knew Cornell, Fenimore and Rofrano, all of whom he had seen about the clubhouse.

Giacinto Pisani, a brother-in-law of the defendant, swore that at the time of the Michel-McCall campaign the prisoner was in the neighborhood and did not return until after the holidays. Witnesses have sworn for the prosecution that Montimagno was in the Home Rule Club on election morning in 1913 and that he was talking about that time with Rofrano.

Court took an adjournment until Monday morning, and at the end of the day Mr. Barra said he had not decided whether to call the defendant to the stand.

### "COTTON KING" MUST PAY.

Court Reverses Daniel J. Sully's Order Staying Attachment.

The Appellate Division of the Supreme Court decided yesterday that Daniel J. Sully, one time "cotton king," must pay a judgment of \$17,380, obtained against him in 1909 by Mrs. Grace W. Savage, or go to jail. The judgment was for money used by Sully in making investments in cotton for Mrs. Savage. Soon after she got it, she obtained a writ of attachment for Sully.

Sully and his wife then appeared at the Sheriff's office and agreed to pay \$500 on account and \$200 a month until the judgment was satisfied if Sully was not taken on the attachment. The plaintiff agreed. After he had paid \$1,000, his finances were exhausted and efforts were made to serve the attachment on him. Sully then got an order staying New Rochelle, he fled. This order was reversed yesterday.

### WIFE SUES FLORIST'S SON.

Mrs. Alice Siebrecht Says Husband Made Her a Slave.

WHITE PLAINS, N. Y., May 21.—It came out during an argument of the motion of Mrs. Alice Siebrecht of New Rochelle, who is suing and claiming fees from the trial of her suit for separation from William R. Siebrecht, before Justice Tompkins in the Supreme Court here today, that Mr. Siebrecht charged the servant and told his wife she would have to act as maid. He fixed her wages at \$16 a month. Mrs. Siebrecht charges cruel and inhuman treatment.

Mr. Siebrecht, who is a son of Henry Siebrecht, Sr., a florist of Fifth avenue, Manhattan, through M. J. Tierney of New Rochelle, denied the charges of Mrs. Siebrecht. He also says his wife has been in the habit of going to tango parties and playing bridge for money. He denies he ever struck her.

Justice Tompkins will fix the alimony later.

## GEORGIA EX-JUDGE PLEADS FOR FRANK

Tells Gov. Slaton That Judge Roan Believed Prisoner Innocent.

### OUTLOOK IS BRIGHTER

ATLANTA, May 21.—Judge Arthur G. Powell, ex-member of the State Court of Appeals, has written to Gov. Slaton and the State Prison Board a letter declaring that the late Judge Roan told him that he (Judge Roan) believed Leo M. Frank innocent of the murder of Mary Phagan. Judge Powell expressed the hope that Frank will either be pardoned or his sentence commuted to life imprisonment. In the letter Judge Powell says:

"I was an intimate friend of Judge Roan. If he were living I would not attempt to speak for him, but I feel that it is due to him and to Frank that I should give you the benefit of what I know of how he felt as to the defendant's guilt."

"Frequently during the trial he advised with me. The substance of what he told me is that he did not believe the defendant to be guilty. Why, with these views, he did not grant the new trial, I cannot explain. I knew Judge Roan for a number of years and I can say he was not himself during the trial and afterward. If I was theoretically interested in the case during the trial it was on the side of the State, as my friend, Mr. Homer, was engaged in the prosecution. What I saw of the trial convinced me that the defendant was innocent. I hope he will be pardoned or that his sentence will be commuted."

"I have recently travelled over Georgia and have been surprised to find how practically everywhere there is a feeling against him being hanged, though the feeling was strong against him at the time of the trial."

It is understood that several other well known Atlanta lawyers have also written to the Prison Commission in Frank's behalf.

### JUDGE ORDERS THIRD TRIAL.

Woman's Verdict Against Brokers Set Aside.

A third trial of a suit by Mrs. Ida Small against the Stock Exchange firm of A. A. Housman & Co. must be held as the result of a decision of the Appellate Division yesterday setting aside a judgment of \$29,740 for Mrs. Small because the trial judge erred in his charge to the jury. The suit, to recover \$40,000 as the value of collateral owned by Mrs. Small which was held on margin by the brokers, was begun in 1909.

In the summer of 1907 Mrs. Small went to Europe. Her son, Eugene W. Small, employed by the brokers as a bond salesman, used her key to a safe deposit box containing securities worth \$200,000, and as the brokers demanded additional collateral he kept withdrawing his mother's securities until they had been exhausted. A further break in the market required more collateral and when the brokers were unable to reach Mrs. Small by cable they sold her securities and applied the proceeds on her indebtedness.

On the first trial a verdict was directed for the defendants and the Court of Appeals ordered a new trial. The second trial was held last year and resulted in a verdict for Mrs. Small.

### SIX QUACKS HEAVILY FINED.

Medical Museum Men Admit Practising Without License.

Members of the New York County Medical Society felt yesterday that they had completed the first big move to suppress the quack medical museums which have flourished in the city for many years when eighteen of the "physicians" and attendants who were arrested in recent raids pleaded guilty in Special Sessions to maintaining public nuisances and to practicing medicine without a license.

Large fines were imposed on six defendants. Otto C. Hubek and Thomas L. Wagner, who managed the establishment at 417 Sixth avenue, were sentenced to pay a fine of \$250 or serve two months in prison. Adolph Slaughter, a negro who was said to be running the institute in East Fourteenth street, was fined \$500. The same fine was imposed on Dr. James Flippin, head of the "New York Medical Museum" at 205 West Forty-second street, and Dr. Nicholas Metaxas of 75 West Ninety-second street and Dr. George Idromenon of 137 East Twenty-sixth street were fined \$150 apiece.

### Healy Heads Anti-McCoy Men.

A. Augustus Healy, president of the Brooklyn Museum of Arts and Sciences, has been chosen chairman of the Jeffersonian Alliance, which is holding forth to oust John H. McCoy from the Democratic county leadership.

### HANAN HEIRESS LOSES SUIT.

Court Decides Against Mrs. Mildred E. Wagner in Divorce.

Justice Crane in Brooklyn yesterday decided against Mrs. Mildred E. Wagner, daughter of Alfred P. Hanan, shoe manufacturer, in her suit for divorce against Dr. Jerome Wagner.

The only witness for the plaintiff was Charles R. Classon, clerk and night watchman of the Marlfield Apartments, 12 West Forty-fourth street, Manhattan, and it was admitted that his name had been given to Mrs. Wagner by her husband because he objected to being bound by her detestable. Classon testified that in violation of the rules Dr. Wagner had a visitor in his apartment at night and that he went to a restaurant to get a lunch for them.

In his decision for the defendant Justice Crane says:

"While it may not be collusion for the husband to furnish his wife proof of his past faithlessness, yet it is a very strange circumstance pointing to the conclusion that he is desirous of helping along the divorce, and in his eagerness to untie an uncomfortable knot may have produced evidence of things which never happened. Such cases require careful scrutiny."

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Yet so many motorists stick to the obsolete bulb horn or an unreliable so-called mechanical horn which fails to warn adequately. Insure yourself against accident by having a real safety signal on your car—one that can be heard under all conditions.

You can get this in the SPARTON. Its loud, clear, yet inoffensive warning note carries farther than any other. The price is right. The Sparton Safety Signal is absolutely guaranteed as long as you own it.

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## NEWS OF FINANCIAL INTEREST

### BIG DECREASE IN U. S. REALTY GAINS

Net Income Equal to 4.99 Per Cent—Was 8.18 Per Cent. in Year Before.

### OUTLOOK IS BRIGHTER

The report of the United States Realty and Improvement Company for the year ended April 30, 1915, shows a surplus of \$808,136 after the payment of interest charges out of net income, as compared with \$1,322,538 for the year previous. This was equal to 4.99 per cent. earned on the \$16,162,800 capital stock, against 8.18 per cent. earned on the same stock in 1914. Gross earnings of the company for the year were \$2,904,509, as compared with \$3,119,609, for the period ended April 30, 1914, with a net income of \$1,104,636, against \$1,919,038. Only \$363,633 was paid in dividends, as compared with \$808,140 in the year previous, leaving a surplus of \$114,473, against \$514,398 in the previous year.

The remarks which accompany the annual report are in part as follows: "The company's real estate is carried on its books at the original cost. Conforming to the custom of previous years the entire expense of carrying the unproductive real estate has been charged out of income. During the year the James Estate properties in which the company held undivided interests, were sold at auction for \$230,000 for the year. The company acquiring the premises 400 Fifth avenue and 123-132 West Thirtieth street at reasonable prices."

"Mortgages on real estate were increased \$395,000 by the two above mentioned properties, making a net reduction in this item of \$250,000 for the year. The aggregate of the mortgages on all of the real estate owned by the company is now 43 per cent. of the book value."

"While the unfinished business on hand is \$6,487,353 below last year, it is expected to produce a greater percentage of profit for the reason that under the method employed in arriving at profits on work in progress, the coming year will receive the benefit of a large amount of work done during the current year. Every effort will be made to continue reducing expenses in proportion to decreased production."

Through its engineering and construction department the company has also contracted with the city of New York for a section of the subway extending from Twenty-sixth to Twenty-eighth street in Broadway. Working is progressing rapidly on all three sections of the subway which this department has under contract, with a total business on its books of \$6,972,200 and work executed during the year of \$2,709,324. Unfinished business at this date is \$4,064,638. This gives a total of unfinished business on the books of the company at this date of \$15,262,710.

"The regular income from real estate and other investments continues to be more than sufficient to pay all expenses and the interest upon the company's bonds. The balance of the income from these investments, the profits from the George A. Fuller Company, the real estate operating department and the general construction work will be applicable to dividends."

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### BIG GROWTH IN WAR BY GERMANY'S BANK

Deutsche Institution Reports Gain in Deposits in Days of Stress.

### PRIDE IN ACHIEVEMENTS

Pride in the accomplishment of the Deutsche Bank, the great German financial institution, during the calendar year 1914 is the keynote of the annual report of the managing directors, which was made public here yesterday.

"So much has been written and printed about this most tremendous of all wars, its causes and effects," say the directors, "that we prefer to let facts and figures speak for us. They show that the Deutsche Bank in particular, like Germany's economic structure in general, has proved up to the test. The success of the two war loans, aggregating \$3,000,000,000, issued in the midst of the war, raised the German people's economic achievement to the level of her military success."

"Our bank's forty-fifth year will remain a memorable one. Its first half was marked by the largest increase on record of our capital and reserves. The second half year put the strength of the Deutsche Bank to the severest test it has ever had to stand."

One of the striking evidences of the ravages of the war is presented in the list of members of the bank's staff who have died in battle. Of the 177 killed fifty-four were from the head office in Berlin.

The turnover of the bank for the year, which is actually one of the largest made by the great institutions of the world, was \$2,948,842,095, as compared with \$30,762,075,433 in 1913, the figures being in American dollars, reckoned by the bank on a scale of 4.2 marks to the dollar.

The bank earned enough to pay the full 12 1/2 per cent. on its stock, but the directors say they preferred, as a matter of further precaution, and "having regard to the continuance of the war," to increase the balance of profits to be carried forward by about 8,000,000 marks, through cutting the dividend to 10 per cent. After the payment of this dividend, there was carried to the new account a balance of \$2,844,739. The total profits for the year were \$9,779,638, including \$873,432 carried over from the previous year in undivided profits. The dividend payment was nearly \$6,000,000.

"We have cooperated in the organization of twelve 'war credit banks,' our respective participations aggregating \$545,000 face value," say the directors. "The credit facilities provided by these banks have been availed of but to a small extent, the necessity of resorting to them having developed in exceptional cases only. As a matter of fact, the more possibility, created in so many places, of satisfying legitimate credit requirements, has largely contributed to allay the alarm spread by the unlooked for outbreak of the war. Particular thanks are due the central Reichsbank for saving Germany's economic life from the disorganization experienced by nearly all other centres. In London special bank holidays had to be declared and the rate of discount had to be raised to 10 per cent, whereas the Reichsbank had not to raise its rate above 6 per cent, and succeeded in maintaining its stock of gold, as it had been doing these last eighteen years, very considerably above the stock of gold of the Bank of England."

"As far as we are concerned we have liberally met our clients' demand for cash and credit, as is shown by our balance sheet. On the other hand, the aggregate amount of funds entrusted to our care by our creditors has for the first time exceeded the sum of 2,000,000,000 marks."

"Despite the war, the proportion of our quick assets (excluding loans on merchandise warehouse and in transit) to our total liabilities has risen to 44.74 per cent, as compared with 43.64 per cent. in the preceding year."

The reserve of the bank at the close of the year was \$42,500,000, against \$27,380,952 in the previous year. Deposits were \$486,214,474, against \$378,201,378 the year before. Cash at the end of the year was \$56,597,778, total of cash, bills receivable, loans and investments being \$347,387,904, against \$281,193,527 in the year before.

One of the interesting features of the report is the care of the employees of the bank through salary payments while they are at the front. Salaries increased from 6,633 at the end of 1913 to 8,475 at the end of 1914. Many were called to the colors. The bank during the first three months of the war, paid full salaries to the men who were in the army. Since November 1 30 per cent. has been paid to unmarried men and 60 per cent. to married men, with an increase of 5 per cent. for each child, up to 80 per cent.

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